

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

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Jacqueline Mekhail, Gregg Lurie, Heidi Kaliher, and Tracy Knight individually, and on behalf of those similarly situated, ) Case No. 0:23-cv-00440-KMM-TNL  
Plaintiffs, )  
v. )  
North Memorial Health Care, d/b/a )  
North Memorial Health, )  
Defendant. )  
)

**MOTION FOR LEAVE TO FILE  
COMPLAINT UNDER SEAL  
PURSUANT TO LR 5.6**

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Pursuant to Local Rule 5.6, Plaintiffs respectfully submit this motion for leave to file under seal their unredacted Second Amended Complaint.

1. Local Rule 5.6(a) provides that “[a] document may be filed under seal in a civil case only as provided by statute or rule, or with leave of court.”
2. The Sealed Civil User’s Manual for the District of Minnesota outlines the procedure for “Filing Sealed Initiating Documents,” and directs that “[a] motion seeking leave of the court to keep the complaint or other initiating document under seal . . . should be filed immediately after the redacted document [is filed].” *See* Sealed Civil User’s Manual, at 34-35.
3. Plaintiffs seek leave to file under seal the unredacted Complaint, which contains individually identifiable health information (“IIHI”) for Plaintiffs.
4. Contemporaneous with the filing of the unredacted Complaint under seal, Plaintiffs will file on the public docket a version of the Complaint with the IIHI redacted.

5. Good cause exists for filing the unredacted Complaint under seal because it contains IIHI for Plaintiffs, including information identifying specific health conditions and relationships with medical providers. *See, e.g., Allen v. Reid*, No. 15-CV-1905 (WMW/SER), 2016 WL 7670606, at \*11 (D. Minn. Nov. 29, 2016) (granting defense motion to seal in order to “limit the dissemination of [plaintiff’s] medical information”); *see also Holmes v. Minnesota DOC*, No. 23-CV-2969 (PJS/DJF), 2024 WL 991715 (D. Minn. Mar. 7, 2024) (granting motion to seal as to “those documents that appear to contain medical information about” the plaintiff, but denying motion to seal documents that “based on the Court’s review, do not appear to contain medical information as asserted.”)

6. The Complaint alleges the specific health conditions and relationships with medical providers because several courts have dismissed cases under Federal Rule of Civil Procedure 12(b)(6) for failing to allege the sharing and dissemination of specific health information. *See Doe v. Davita Inc.*, No. 23-CV-01424-AJB-BLM, 2024 WL 1772854, at \*2 (S.D. Cal. Apr. 24, 2024) (collecting cases and dismissing Complaint with leave to amend where plaintiffs did “not explain what specific information they provided to Defendant”); *see also Kurowski v. Rush Sys. for Health (“Rush II”)*, No. 22 C 5380, 2023 WL 4707184, at \*3 (N.D. Ill. July 24, 2023) (dismissing claim for failing to allege disclosure of particular health or treatment information and observing that plaintiff “could have requested to file the complaint under seal” to preserve her privacy).

7. In similar cases, district courts have allowed plaintiffs to file under seal unredacted complaints containing IIHI, while also permitting plaintiffs to file redacted versions of the complaints on the public docket. *See Kurowski v. Rush System for Health*

(“*Rush III*”), 22-cv-05380 (N.D. Ill. 2022) (ECF No. 87); *Gouch v. Blue Cross Blue Shield Assoc.*, 23-cv-15709 (N.D. Ill. 2023) (ECF No. 23).

WHEREFORE, Plaintiffs move for an Order: (a) granting this motion; (b) sealing the unredacted version of the Complaint and allowing it to remain under seal; (c) allowing Plaintiffs to file publicly a redacted version of the Second Amended Complaint; and (d) granting such other relief as the Court deems just and proper.

Respectfully submitted,

Dated: October 31, 2024

s/ Brian C. Gudmundson

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